**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929**

**OP.No. 31898 of 2002(V)**
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**PETITIONER:**
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**K.K. APPUKUTTAN, RETIRED B.D.O.,**
**KARIPPAYIL HOUSE, VELLARIKUNDU P.O.,**
**VIA. PARAPPA, KASARAGOD DISTRICT,**
**PIN - 671 533.**

**BY ADV. SRI.SIBY MATHEW.**

**RESPONDENTS:**
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1. **THE DIRECTOR OF INSURANCE, TRIVANDRUM.**
2. **THE DISTRICT INSURANCE OFFICER, KASARGODE.**
3. **THE ASSISTANT DEVELOPMENT COMMISSIONER (GI), KASARGODE.**

**BY GOVERNMENT PLEADER**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ORDER ON C.M.P. NO. 53898/2002 IN O.P. NO. 31898/2002**

**DISMISSED**

**02/07/2007.** **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE LETTER DT. 02/08/2001 SUBMITTED BY THE PETITIONER BEFORE THE R.3.**

**EXT.P.2: COPY OF THE LETTER DT. 25/07/2001 ISSUED BY THE R.1. TO THE PETITIONER.**

**EXT.P.3: COPY OF THE LETTER DT. 28/09/2001 ISSUED BY THE R.3. TO THE PETITIONER.**

**EXT.P.4: COPY OF THE LETTER DT. 01/08/2002 SENT BY THE PETITIONER TO THE R.2.**

**EXT.P.5: COPY OF THE LETTER DT. 16/08/2002 FORWARDED BY THE R.3. TO THE R.2.**

**EXT.P.6: COPY OF THE FORM 3 DECLARATION SUBMITTED BY THE PETITIONER BEFORE THE R.1.**

**EXT.P.7: COPY OF THE DELARATION AS DIRECTED IN GOVT. CIRCULAR NO. 35/86/FIN. DT. 12/05/1986.**

**RESPONDENT'S EXHIBITS:** **NIL.**

**//TRUE COPY//**

**prv.**

**Thottathil B. Radhakrishnan, J.**

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O.P.No.31898 of 2002

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Dated this the 2nd day of July, 2007.

**JUDGMENT**

Petitioner, a retired Government servant, complains that the benefit of Group Insurance Scheme has not been released to him following his retirement on 31-5-1998, though pension and DCRG has been paid after directions were issued by this Court. In the statement filed, the respondents took the stand that no records are available to show that the petitioner was a member of the Scheme or that deductions were made from his salary. Exts.P4 and P5 letters, according to the respondents, do not show that either pass book or statement of deduction was forwarded to the first respondent.

2. In Ext.P5 dated 16-8-2002, the Assistant Development Commissioner (G1), Kasargode states that necessary documents had already been submitted for the settlement of the Group Insurance Scheme of the petitioner and that he is also forwarding application

received from the petitioner for favourable action. Along with the reply affidavit sworn to on 25-8-2003, a copy of which was duly served on the State Attorney, the petitioner has produced Exts.P6 and P7, which are stated to be declarations made by him. In Paragraph 3 of that reply affidavit, the petitioner has specifically stated the dates of the deductions and the Treasury from which deductions have been effected. No further materials have been placed on record by the respondents.

In the aforesaid circumstances, this writ petition is disposed of directing that the competent among the respondents will take up the case of the petitioner on the basis of the materials furnished by him along with the aforesaid reply affidavit and act on Exts.P6 and P7 in the light of Ext.P5 and issue appropriate orders releasing the claims due to him under the Group Insurance Scheme. Let that be done within a period of three months from the date of receipt of a copy of this judgment. Having regard to the disputed facts, the

claim for interest is refused.

No costs.

**Thottathil B.Radhakrishnan,**
**Judge.**

sl.

**Thottathil B. Radhakrishnan, J.**

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O.P.No.31898 of 2002

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**JUDGMENT**

**Dated:2-7-2007**